

**TENNESSEE BOARD OF DISPENSING OPTICIANS
MINUTES**

DATE: June 9, 2009

TIME: 9:00 a.m., CST

LOCATION: Health Related Boards Conference Center
Poplar Board Room
Heritage Place Metro Center
227 French Landing, Suite 150
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Kathy Hawkins, DPO, Chair
Shane Partain, DPO, Secretary
Kimberly Jackson, DPO
Donald Wells, DPO
Edward Risby, PhD, Consumer Member

STAFF

PRESENT: Lakita Taylor, Board Administrator
Lucy Bond, Advisory Attorney
Benjamin Mezer, Advisory Attorney
Alison Cleaves, Chief Deputy General Counsel
Libby Miller, Director of Health Related Boards
Juanita Stone, Disciplinary Coordinator
Barbara Maxwell, Administrative Director

Ms. Hawkins, Chair, called the meeting to order at 9:10 a.m. A quorum was present. Ms. Bond recognized Benjamin Mezer as the Board's new attorney.

April 15, 2009 Board Meeting Minutes

Upon review of the April 15, 2009 Board meeting minutes, Mr. Wells made a motion, seconded by Ms. Jackson, to approve the minutes. The motion carried.

Conflict of Interest

Mr. Mezer said the conflict of interest policy requires all Board members to disclose any conflict of interest they may have, whether existing or potential, which could affect the performance of their duties as Board members. Mr. Mezer stated that if a Board member has a conflict of interest he or she must recuse him or herself from the proceedings and leave the room during the hearing. Mr. Mezer said a new conflict of interest statement became effective November 2008 and asked all Board members to sign the copy provided in their Board books.

Mr. Mezer reminded the Board of the Open Meeting Act which requires any discussion of Board business between two (2) or more Board members to be on the record.

Office of General Counsel

The Office of General Counsel currently has five (5) disciplinary cases pending.

The National Association of Optometrists and Opticians' appeal of the Declaratory Order issued by this Board in October 2007 to the Chancery Court of Davidson County, Tennessee, was heard on February 13, 2009. The Chancellor took the matter under advisement and has not yet ruled.

The rule amendment to Rule 0480-1-.06, regarding fee increases have been written and are undergoing internal review. Amendments to Rules 0480-1-.01, .03, .07, .08, .14, and .19, became effective June 10, 2009.

Contested Case Hearing for Vicki Bowers

Tom Stovall, Administrative Law Judge, presided over the contested case hearing for Vicki Bowers. Benjamin Mezer, Assistant General Counsel, represented the Department of Health and Ms. Bowers was not represented by counsel. Ms. Bowers' application for licensure as a dispensing optician was denied at the April 15, 2009 meeting due to not meeting the requirements of Tenn. Comp. R. & Regs. 0480-1-.04(3) (a)-(d).

Dr. Risby made a motion, seconded by Mr. Wells, to accept the proposed findings of fact. The motion carried.

Ms. Jackson made a motion, seconded by Dr. Risby, to accept the proposed conclusions of law. The motion carried.

Dr. Risby made a motion, seconded by Ms. Jackson, to deny Ms. Bowers' application for licensure and uphold the Board's original decision. The motion carried.

Investigative and Disciplinary Reports

There are fourteen (14) complaints in the Office of Investigations for Dispensing Opticians. Five (5) cases are pending at OGC. Three (3) licensees are currently being monitored, and two (2) were revoked.

Financial Report

Mr. Mezer stated the Board's decision to implement a renewal fee for the apprenticeship program must be justified. The Board stated the renewal fee will encourage apprentices to remain in the program until successfully obtaining licensure and will help pay the administrative fees involved in reviewing the six (6) month evaluations.

Administrative Report

There are currently 807 active dispensing opticians and 249 active apprentices. Two (2) licensees retired their licenses and one (1) failed to renew since the last meeting.

For the period of January 2008 through December 2008, forty-four (44) Dispensing Opticians were audited for compliance with continuing education requirements, all of which were compliant.

Newly Licensed

Mr. Partain made a motion, seconded by Mr. Wells, to approve the following newly licensed Dispensing Opticians:

**Samantha Alderson
Paula Bishop
Jena Brannon
Leslee Hall
Brandi Hawn
Connie Karrick
Jessica Randolph
Heather Vardell
Melissa Vermillion
Belinda Wall**

The motion carried.

Ratify Reinstatements

Dr. Risby made a motion, seconded by Ms. Jackson, to approve the following reinstated Dispensing Optician(s):

Cheryl Norton

The motion carried.

Board Member/Consultant File Review

Ms. Jackson made a motion, seconded by Dr. Risby, to approve the following applicants, initially approved by the consultant, to sit for and/or retake the practical examination:

**Christina Chitwood
Stephanie Cook
Cynthia Cornell
Tiffany Gallina
Samantha Norris**

Leslie Robinson
Anthony Schlemmer
Kim Sears
Timothy Seay

Paula Austin
Lisa Davis
Amanda Hale
Emmitt Hayes
Lenora Moore Herndon
Brandy Miller
Theresa Richardson
Jacqueline Smallwood
Korina Stanley
Steven Swain
Tammy Weatherly

The motion carried.

Ms. Jackson made a motion, seconded by Mr. Partain, to approve the following apprenticeship applicant(s) initially approved by the consultant:

Marlene Crawford

The motion carried.

Practical Exam Results

There were no scores to report at this meeting.

Review Continuing Education Requests

Mr. Wells made a motion, seconded by Mr. Partain, to approve the following continuing education courses submitted by **South Eastern Opticians Conference 2009 (SEOC)**:

July 31, August 1-2, 2009 – Crown Plaza Atlanta Ravinia, Atlanta, GA

Speaker: Bob Reynolds, LDO

“Dollars & Sense – Financial Management for Opticians”

Speaker: Diane F. Drake, LDO, ABOM, FCLSA

“Optical Olympics – Looking at the Optical Toolbox”

“Preventing medical Errors in the Optical Environment”

Speaker: Jackie O’Keefe Lincoln

“The Path of Progressive Addition Lenses”

“Positively Polarized for Me & My Patients”

Speaker: Michael Della Pesca, ABOM

"AR in the 21st Century"

"CVS: Technology, Ocular Consequences, Diagnosis and Treatment"

"Match Making: Your Patient and the Right Lens"

Speaker: Edward DeGennaro, ABOM

"The Truth about Optical Myths, Half-Truths and Falsehoods"

"What's the Latest in Lens Technology?"

Speaker: Mile Brujic, OK

"Contact Lenses: Knowing Your Options"

"Contact Lens Solutions for Dry Eyes"

"Eliminating the Stigma from Astigmatism"

Speaker: Warren G. McDonald, PhD

"Contact Lens Update: New Materials/New Challenges"

"Ocular Anatomy and Physiology"

Speaker: Michael Gzik, FCLSA, COT, NCLE

"Adverse Response to Contact Lens Solutions"

"Astigmatism Fitting Strategies"

"Fitting the Presbyope with Hydrogel Contact Lenses"

"Wavefront 'Then, Now and When?'"

The motion carried.

Dr. Risby made a motion, seconded by Mr. Wells, to approve the following continuing education courses submitted by **Tennessee Dispensing Opticians Association (TDOA)**:

June 27, 2009 – TDOA Annual Convention Day 1, Nashville, TN

Speaker: Deborah Sherman

"The Latest Techniques in Eyelid Rejuvenation"

"Evaluation Eyelid Lumps and Bumps"

Speaker: Patrick Adkins

"Ocular Prosthetics and What You Should Know"

Speaker: Phyllis Rakow

"Patient Evaluation and Lens Selection"

"Troubleshooting Contact Lens Problems"

"Cosmetics and the Contact Lens Wearer"

June 28, 2009 – TDOA Annual Convention Day 2, Nashville, TN

Speaker: Diane Drake

"Fitting and Dispensing Pediatric and Children's Eyewear"

"Customer Service 101+, When That's Not Enough!"

“Problem Solving for Uncommon Prescriptions”

Speaker: LeDonna Buckner

“Mini-Scleral and Scleral Lenses for Today’s Patients”

“Contact Lenses for the Astigmatic Patient”

“The Irregular Cornea: Tools, Techniques and Patient Management”

“Presbyopia – Are You Listening to Your Patients’ Needs?”

October 25, 2009 – Knoxville Chapter, Knoxville, TN

Speaker: Jackie O’Keefe Lincoln

“You Deserve a Medal for Handling Patient Complaints”

“Optical Jeopardy!”

“How to Add a Safety Eyewear Program to Your Business or Practice”

Speaker: Jane Buckland

“HIV/AIDS: Infectious Disease and the Eye Care Professional”

“Contact lens Alternatives to Refractive Surgery”

The motion carried.

Ms. Jackson made a motion, seconded by Dr. Risby, to approve the following continuing education courses submitted by **East Coast Optical Conference 2009 (Costco)**:

October 13th and October 15th 2009 – Orlando Airport Marriott, Orlando, FL

Speaker: Kevin S. Roe

“An Update on Multifocal Soft Lenses”

“Revive Your Contact lens Practice Through CPR”

Speaker: Michael Pier

“Targeting Patient Types”

Speaker: C. Jeffrey Machemer

“The Presbyopic Puzzle”

“Evolution & Current State of Silicone Hydrogels”

Speaker: Gary Gerber

“Mythbusting 101”

The motion carried.

Mr. Partain made a motion, seconded by Mr. Wells, to approve continuing education courses submitted by **2009 ABO-NCLE National Education Conference** with the exception of the course titled *“Understanding Refractometry”*:

September 10-13, 2009 – Duke Energy Center, Cincinnati, OH

Multiple Speakers and Courses

The motion carried.

Mr. Partain made a motion, seconded by Mr. Wells, to approve the following continuing education courses for the **National Academy of Opticianry**:

October 17-18, 2009 – Educational Seminar, Orlando, FL

Speaker: William B. Underwood, MA, ABOM, FNAO, FCLSA
“Prevention of Medical Errors”

Speaker: James Slightom, ABO, FNAO
“Principles of Optics”
“Finding Uncommon Solutions for Uncommon Rx’s”
“Corneal Reshaping”
“Astigmatism – Why Choose a GP Lens to Correct It?”
“GP Multifocal Contacts, Which Design?”

The motion carried.

Closed Files

Mr. Partain made a motion, seconded by Ms. Jackson, to close the following applications for licensure and/or apprenticeship:

Amber Altizer	Failure to submit semi-annual evaluation reports
Lashunda Brown	Incomplete apprentice application
Shelley Fournier	Failure to submit semi-annual evaluation reports
Jeanie McKamey	Failure to submit semi-annual evaluation reports
Alex Oduro-Kusi	Failure to submit semi-annual evaluation reports
Melissa Perez	Failure to submit semi-annual evaluation reports
Thiakia Tidwell	Withdrew from apprentice program

The motion carried.

Application Review

Bill West, Attorney, asked the Board to defer a decision for the following applicants until the next Board meeting, at which time Wal-Mart will address the issue of the lab requirement for apprenticeship training:

Nuro Alas
Cristy Brady
Jannie Gregory
Linda Holladay
Vanessa Luttrell
Chatika Price
Julia Raybuck

Timothy Reaves
Timothy Seaton

Mr. Wells made a motion, seconded by Ms. Jackson, to defer action on the applicant files. The motion carried.

Mr. Wells made a motion, seconded by Ms. Jackson, to approve **Dennis Osiak** to sit for the practical examination. The motion carried.

Dr. Risby made a motion, seconded by Mr. Wells, to approve **Kimberly Wasilko** to sit for the practical examination. The motion carried.

Mr. Partain made a motion, seconded by Ms. Jackson, to defer action on **Sabrina Carroll's** application for apprenticeship and invite her to the next Board meeting to provide details regarding her supervision in the apprentice program. The motion carried.

Mr. Partain made a motion, seconded by Mr. Wells, to approve **Matthew Shore's** application for apprenticeship. The motion carried.

Ms. Jackson made a motion, seconded by Mr. Wells, to defer action on **Mary Smith's** application for apprenticeship and request additional information regarding compliance with lab requirements. The motion carried.

Willie Jean Person appeared before the Board to answer questions regarding her application for apprenticeship. Upon discussion, Mr. Wells made a motion, seconded by Ms. Jackson, to approve **Ms. Person's** application. The motion carried.

Correspondence

The Board reviewed a request for **Sharon Cyphers**, dated April 30, 2009, requesting a waiver of the continuing education requirement for 2009. Ms. Jackson made a motion, seconded by Mr. Partain, to approve the waiver request for Ms. Cyphers. The motion carried.

The Board reviewed a letter from **Janet Havron Pasinger**, dated May 23, 2009, requesting a waiver of the 2008 continuing education requirement. Ms. Jackson made a motion, seconded by Mr. Wells, to approve Ms. Pasinger's waiver request. The motion carried.

Discuss laboratory requirement for apprenticeship training

Mr. Partain made a motion, seconded by Ms. Jackson, to interpret Rule 0480-1-.14(6)(a)(19) to require the equipment for laboratory training be made available for the procedures listed and required as training for an apprentice under the supervision of a licensed optician. The motion carried.

Discuss and consider revising application for apprenticeship

The Board reviewed the application for apprenticeship and discussed adding questions to page five (5) of the application to require information regarding supervision during apprenticeship, duties the applicant will be performing, equipment available at the facility, and alternative methods of obtaining the one thousand (1,000) hours of required laboratory training.

Discuss and consider revising Jurisprudence examination

The Board reviewed the Jurisprudence Examination and discussed new questions for the examination. Upon review, the Board decided to no longer request social security numbers on the exam and to defer the discussion regarding new questions until the next meeting.

Discuss new Board business

The Board discussed the requirement of one (1) hour Jurisprudence continuing education. Upon discussion, Mr. Partain made a motion, seconded by Ms. Jackson, to send an Agreed Citation to licensees who did not satisfy the requirement to complete the examination and require them to pay a civil penalty in the amount of one hundred (\$100) dollars. The motion carried.

With no other Board business to conduct, Dr. Risby made a motion, seconded by Ms. Jackson, to adjourn the meeting at 4:37 p.m. The motion carried.